

responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of dishonesty, willful misconduct or gross negligence.

**§ 979.91 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 979.92 Amendments.**

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

**§ 979.93 Counterparts.**

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

**§ 979.94 Additional parties.**

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.<sup>1</sup>

**§ 979.95 Order with marketing agreement.**

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of melons in the same manner as is provided for in this agreement.<sup>1</sup>

<sup>1</sup>Applicable only to the proposed marketing agreement.

**Subpart—Rules and Regulations**

GENERAL PROCEDURES

**§ 979.100 Order.**

*Order* means Order No. 979 (§§ 979.1 to 979.92; 44 FR 22038) regulating the handling of melons grown in South Texas.

[44 FR 28780, May 17, 1979]

**§ 979.106 Registered handler.**

For purposes of this part, a registered handler is a person who has adequate facilities for packing melons for market and who assumes initial responsibility for compliance with inspection, assessment, and other regulatory requirements on the handling of melons grown in the production area. Any person who wishes to become a registered handler shall make application for registration with the committee on forms furnished by the committee. If such applicant has facilities available which are determined by the committee as adequate for the packing of melons, such person may be approved as a registered handler. Growers who make deliveries of fieldrun melons to such registered handlers are hereby determined to be exempt from otherwise applicable regulations pursuant to this part.

[44 FR 28780, May 17, 1979]

**§ 979.110 Fiscal period.**

The fiscal period which began on May 17, 1979 (44 FR 28780) shall end September 30, 1979. Thereafter, each fiscal period shall begin on October 1 of each year and end on September 30 of the following year.

[44 FR 56684, Oct. 2, 1979]

**§ 979.112 Late payments.**

Pursuant to § 979.42(f), late payments of assessments shall be subject to an interest charge of 1½ percent per month on the balance due. Assessments shall be deemed late 30 days after the billing date.

[55 FR 19720, May 11, 1990]

**§ 979.122 Eligibility requirements for public members.**

(a) A public member shall represent a nonagricultural point of view, and